

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Criminal Revision No. 1756 of 2001
Date of Decision: April 20, 2009

Mohinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

Coram: Hon'ble Mrs. Justice Sabina

Present: None for the petitioner.
Mr.Amandeep Singh Rai, Assistant Advocate General,Punjab.

Sabina, J.

Petitioner-Mohinder Singh was convicted for an offence under Sections 279/304-A of the Indian Penal Code ('IPC' for short) in FIR No. 79 dated 3.8.1993 registered at Police Station Morinda, Tehsil and District Ropar by the Additional Chief Judicial Magistrate Ropar on 18.1.1996. Vide order of even date, he was sentenced to undergo rigorous imprisonment for the period of six months under Section 279 IPC and to undergo rigorous imprisonment for the period of one year under Section 304-A IPC and to pay a fine of Rs.1000/-. Substantive sentences were ordered to run concurrently. Aggrieved by the same, petitioner preferred an appeal and the same was dismissed by the Additional Sessions Judge, Ropar on 22.11.2001. Hence, the present revision petition.

The case of the prosecution, as noticed by the appellate

Court in para 2 of its judgment, is reproduced here in below:-

“The brief facts of the case, as advanced by the prosecution are that on 3.8.1993, one Jagmohan Singh son of Budh Singh resident of Ram Darbar, Chandigarh made a statement to the Police that on 2.8.1993, he along with his wife Jaswinder Kaur and children Gurvinder Singh (aged five years), Ajit Singh (aged four years) and Amrit Pal (aged six months) as well as Ashwani Kumar son of Bachan Lal were going to Rajpura township in their car bearing No. CH-01-F-9475. They had started from Chandigarh at 3.00 P.M. and reached Rajpura township where in-laws of the complainant was residing. It was Rakhi-Festival and they had gone to Rajpura township for tying Rakhri by Jaswinder Kaur to her brothers. After performing the ceremony, they were returning to Chandigarh via Sirhind. When they reached near village Sukho Majra, the back tyre of the car got punctured. The car was parked on one side of the katcha road and the complainant started changing the tyre of the car. At that time, Jaswinder Kaur wife of the complainant along with her six month old child were standing outside the car on their left side, while Aswhani Kumar and other children of Jagmohan Singh were sitting in the car. At that time, one four-wheeler Swaraj Majda being driven by the accused driver came from the back side in a very rash and negligent speed and it hit the car on its back left side. The car was dragged for a distance of 15 karms and it also hit Jaswinder Kaur as well as the child carried over by her. Jaswinder Kaur fell down and died on the spot while the small

child fell down on the road and he was taken to Civil Hospital, Morinda, where he also died on the same night. The complainant stated that the Swaraj Majda vehicle was bearing registration No.PB-12-A-2112 and it was being driven by Mohinder Singh, who was already known to the complainant. He also stated that this accident took place at about 9.30 PM. After the accident, the driver ran away from the spot but the vehicle remained there. The statement of the complainant was recorded by the police and a formal FIR Ex.PC/2 was registered. During the investigations, the vehicle Swaraj Majda as well as Car were taken in possession along with their documents, the accused was arrested, Post Mortem of dead bodies was got conducted and their copies were taken on record, photographs of the spot were also arranged, site plan was drawn, mechanical test of the vehicles were also got done, inquest report was prepared and after completion of the investigation challan was presented in the Court of learned Judicial Magistrate Ist Class, Ropar for trial of the accused.”

I have gone through the record of the case with the assistance of the learned counsel for the State.

The accident in the present case had taken place on 3.8.1993. As per the prosecution case, the car driven by the complainant was parked on one side of the katcha road as the back tyre of the car had got punctured. Jaswinder Kaur, wife of the complainant along with her six months old child was standing outside the car on the left side, whereas, Ashwani Kumar and other children of the complainant were sitting inside the car. The vehicle in question driven by the petitioner came from behind at a fast speed

in a rash and negligent manner and struck against the car and the car was also dragged to some distance and it struck against Jaswinder Kaur and the child carried by her. As a result of this, Jaswinder Kaur and her child died. Complainant, while appearing in the witness box as PW2, has duly proved the prosecution case. Complainant had no enmity against the petitioner to involve him falsely in this case. The testimony of the complainant with regard to the accident is duly corroborated by PW6 Ashwani Kumar.

In these circumstances, the Courts below has rightly convicted and sentenced the petitioner under Sections 304-A/279 IPC. The judgments of the Courts below do not call for interference.

Dismissed.

(Sabina)
Judge

April 20,2009

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